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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

	-----X
JONATHAN X. FLAGG and	:
JACQUELINE ALVAREZ, on behalf of	:           07 Civ. 7392 (PKC)
themselves and all others similarly situated,	:
	: <b>PLAINTIFFS' NOTICE OF MOTION</b>
Plaintiffs,	: <b>THAT THE COURT RECONSIDER</b>
	: <b>ITS HOLDING THAT NEW YORK'S</b>
- against -	: <b>ACCRAUAL RULE APPLIES TO</b>
	: <b>MS. ALVAREZ'S FEDERAL CLAIM</b>
SKADDEN, ARPS, SLATE, MEAGHER	:
& FLOM PENSION PLAN,	:
	:
Defendant.	:
	-----X

PLEASE TAKE NOTICE that, upon the accompanying Memorandum In Support of Plaintiffs' Motion that the Court reconsider its June 18, 2008 holding that New York's accrual rule applies to Ms. Alvarez's federal ERISA claim, the undersigned will move before the Honorable P. Kevin Castel, Judge of the United States District Court for the Southern District of New York, at the United States District Courthouse, located at 500 Pearl Street, New York, NY 10007, at a time and place to be scheduled by this Court, for an order modifying its June 18, 2008 Order accordingly.

Dated: June 20, 2008

Respectfully submitted,

/Eli Gottesdiener  
Eli Gottesdiener [EG0111]  
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*Attorney for Plaintiffs and the proposed Classes*

### **CERTIFICATE OF SERVICE**

I hereby certify that on June 20, 2008, I caused Defendant to be served by hand with a copy of the foregoing Motion and Notice of Motion as follows:

Counsel for Defendant

Henry P. Wasserstein  
Samuel Cadet  
James W. Brown  
Jennifer Cabrera  
Skadden, Arps, Slate, Meagher & Flom LLP  
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/s/Eli Gottesdiener  
Eli Gottesdiener